

October 13, 2008

South Shore Tiverton, LLC
c/o Robert P. Barrile
413 Bulgarmarsh Road
Tiverton, Rhode Island 02878

Re: Tiverton Zoning Board Relief, Map 2-8, Block/Plat 117, Card/Lot 30 & 30A

Dear Mr. Barrile:

The following is the decision on your Petition heard by the Tiverton Zoning Board of Review (hereinafter the "Board") on October 6, 2008 for a variance from Article V, Section 1 and Article XIV, Section 5 of the Tiverton Zoning Ordinance to expand a legal non-conforming use and to construct an additional building (the "Use") on property located at 413 Bulgarmarsh Road, Tiverton, Rhode Island, at Map 2-8, Block/Plat 117, Card/Lot 30 & 30A (the "Premises") located in R40 & R80 zones.

The petitioner was present and explained to the Board that he sought to construct a new structure on the Premises to process the dismantling and salvage of vehicles for recycling. The petitioner presented a civil engineer, a geologist and a real estate professional as experts to explain the nature of the Use. No objections were presented at the public hearing on this matter.

At the public hearing for which due notice was given and a record kept, and after having viewed the Property and the surrounding area, the Board, taking into consideration its knowledge and expertise makes the following findings:

1. That the Property contains approximately 229,270 square feet of land area, more or less, and is zoned R40 and R80.
2. The petitioner desires to expand an existing non-conforming use by constructing a new building within which to operate a vehicle dismantling and recycling operation.
3. That the proposed Use is located in the rear of the Premises and will not likely be visible from the street. The location of the proposed building will not interfere with any neighbor's use of their properties.
4. The existing use is a vehicle scrap yard and the proposed new building will substantially improve the environmental conditions on the Premises by locating a significant aspect of the dismantling operation indoors.

Based on the foregoing, the Board made a motion to grant the variance request of the petitioner. After deliberations on the petition, the Board voted unanimously to grant the petitioner's application for the necessary variances, as follows:

- a. Special conditions and circumstances exist which are special and peculiar to the land or structure involved or are not due to a physical or economic disability of the petitioner.
- b. Issuance of the requested relief will not be contrary to the public interest, and that, owing to special or peculiar site or structural conditions, literal enforcement of the provisions of this ordinance would not result in an unnecessary hardship on the petitioner.
- c. The unnecessary hardship which the petitioner seeks to avoid has not been imposed by his prior actions.
- d. The granting of the requested variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance and the comprehensive plan upon which the ordinance is based.
- e. Relief from the provisions of this ordinance is the least relief necessary to remove the unnecessary hardship.
- f. That nonconforming use of neighboring lands, structures or buildings in the same district, and permitted use of lands, structures or buildings in an adjacent district did not form the grounds for the application of this variance request.

This petition is granted by the Board with the following stipulations and conditions:

1. That this decision must be recorded in the Land Evidence Records in the Town Clerk's Office before a building permit/certificate of occupancy is issued. (Please note that the appeal period (20 days) begins when said decision is recorded and posted with the Town Clerk's Office).
2. That the relief is limited to the plans and representations made by the petitioner to the Board and that any changes to the approved plan shall not be made without approval of the Zoning Board of Review.
3. This approval shall expire one year from the date of granting of such by the board unless the applicant exercises the permission granted or receives a building permit to do so and commences construction and diligently prosecutes the construction until completed. The board may, upon application thereof, for cause shown and without a public hearing, grant an extension, provided that not more than one such extension for a period of six months be granted.

Present this letter to the Building Inspector when applying for the necessary permits.

Very truly yours,

David Collins, Chairman
Tiverton Zoning Board of Review